

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SAUL MARTINEZ,	:	
Plaintiff,	:	
v.	:	Case No. 3:14-cv-84-KRG-KAP
GEORGE WIGEN, WARDEN, MOSHANNON	:	
VALLEY CORRECTIONAL CENTER,	:	
<u>et al.</u> ,	:	
Defendants	:	

Memorandum Order

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Rule 72 for Magistrate Judges.

The Magistrate Judge, after screening the complaint under 28 U.S.C. § 1915A, filed a Report and Recommendation on May 6, 2014, docket no. 12, recommending that the complaint be dismissed for failure to state a claim, with leave to amend.

The plaintiff was notified that pursuant to 28 U.S.C. § 636(b)(1), he had fourteen days to file written objections to the Report and Recommendation or to amend his complaint. The plaintiff filed an amended complaint at docket no. 13 that I have reviewed de novo. Like the original complaint, the amended complaint alleges that plaintiff is unhappy with his medical care and that plaintiff has serious medical needs but states no violation of plaintiff's federal constitutional rights by any defendant.

After de novo review of the record, the Report and Recommendation, and the amended complaint, the following order is entered:

AND NOW, this 24th day of June, 2014, it is

ORDERED that the amended complaint is dismissed, without further leave to amend, for failure to state a claim. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

Saul Martinez, Reg. No. 15194-026
Moshannon Valley Correctional Center
P.O. Box 2000
Philipsburg, PA 16866-0798